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Notice of Allowability

Application No.

10/602,252

Examiner

Michael P. Stafira

Applicant(s)

BASJI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 1/28/2005.
2. ☒ The allowed claim(s) is/are 1 and 47-55.
3. ☒ The drawings filed on 23 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- a. In the specification on page 1, under Related Applications, after "August 17, 2001" insert --now U.S. Patent 6,583,865--.

Allowable Subject Matter

1. Claims 1, 47-55 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

The applicant amended claims 1 and 47 and added new claims 48-55, according to the "Amendment" received on January 28, 2005, and presented arguments in favor of allowance of the existing claims. The applicant demonstrated to the Examiner's satisfaction that, with respect to the U.S.C. 102(b) rejection of independent claims 1 and 47, the primary reference of Eismann ('899) is not applicable to the Applicant's invention including the newly added independent claims 49 and 52.

Regarding claim 1, the prior art fails to disclose or make obvious a system for obtaining at least one output signal corresponding to at least one image of the object-wherein there is

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relative motion between the object and the system having a time delay integration (TDI) detector configured to generate at least one output signal corresponding to at least one image of the object, said TDI detector disposed to receive the focused light directed along the imaging path, said TDI detector being inclined at an angle relative to the imaging path, so that a plane of the TDI detector is not perpendicular to the imaging path, and so that light from the imaging path that is incident on a first part of said TDI detector forms an image exhibiting a first focus, while light from the imaging path that is incident on a different part of said TDI detector forms an image exhibiting a different relative focus, and in combination with the other recited limitations of claim 1. Claim 48 is allowed by the virtue of dependency on the allowed claim 1.

Regarding claim 47, the prior art fails to disclose or make obvious an imaging system configured to produce at least one image of an object while there is relative movement between the object and the imaging system having a light sensitive detector disposed to receive the focused light directed along the image path, said detector being disposed at an angle relative to the focusing lens, such that light from the image path that is incident on a first part of said detector exhibits a first focus, while light from the image path that is incident on a different part of said detector exhibits a different focus, and in combination with the other recited limitations of claim 47.

Regarding claim 49, the prior art fails to disclose or make obvious an imaging system for obtaining at least one output signal corresponding to at least one image of an object wherein there is relative motion between the object and the system having a time delay integration (TDI) detector configured to generate at least one output signal corresponding to at least one image of the object, said TDI detector disposed to receive the focused light directed along the imaging

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path and being inclined at an angle relative to the imaging lens, so that a plane of the TDI detector is not parallel to a longitudinal axis of the imaging lens, such that light from the imaging lens that is incident on a first part of said TDI detector forms a first image, while light from the imaging lens that is incident on a second part of said TDI detector forms a second image, the first image and the second image being characterized by exhibiting a different relative focus, and in combination with the other recited limitations of claim 49. Claims 50, 51 are allowed by the virtue of dependency on the allowed claim 49.

Regarding claim 52, the prior art fails to disclose or make obvious an imaging system configured to produce at least one image of an object while there is relative movement between the object and the imaging system having a light sensitive detector disposed to receive the light from the object directed along the image path, said detector being disposed at an angle relative to the imaging lens, such that light from the image path that is incident on a first part of said detector forms a first image, while light from the image path that is incident on a different part of said detector forms a different image, the first image and the different image exhibiting a different relative focus, such that if the first image is in focus, the different image is not in focus, and if the different image is in focus, the first image is not in focus, and in combination with the other recited limitations of claim 52. Claims 53-55 are allowed by the virtue of dependency on the allowed claim 52.

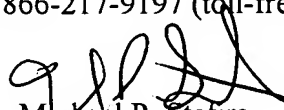
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Michael P. Stafira
Primary Examiner
Art Unit 2877

February 24, 2005